

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

| | | |
|---------------------------|---|------------------|
| EMPLOYERS MUTUAL CASUALTY |) | |
| COMPANY, an insurance |) | |
| company incorporated in |) | |
| the State of Iowa, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CIVIL ACTION NO. |
| |) | 2:05cv602-T |
| |) | (WO) |
| OLLIE WADSWORTH and |) | |
| JOSEPH M. PEIL, |) | |
| |) | |
| Defendants. |) | |

ORDER

The allegations of the plaintiff's complaint are insufficient to invoke this court's diversity-of-citizenship jurisdiction. The allegations must show that the citizenship of each plaintiff is different from that of each defendant. 28 U.S.C.A. § 1332.

The plaintiff's complaint fails to meet this standard. The complaint gives the "residence" rather than the "citizenship" of the defendants. An allegation that a party is a "resident" of a State is not sufficient

to establish that a party is a "citizen" of that State. Delome v. Union Barge Line Co., 444 F.2d 225, 233 (5th Cir.), cert. denied, 404 U.S. 995, 92 S.Ct. 534 (1971).

It is therefore the ORDER, JUDGMENT, and DECREE of the court that the plaintiff has until July 18, 2005, to amend the complaint to allege jurisdiction sufficiently; otherwise this lawsuit shall be dismissed without prejudice.

DONE, this the 28th day of June, 2005.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE